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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6005/2016

AZAD SINGH SIROHI

..... Petitioner

Represented by: Mr.D.S.Kauntae, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Prasanta Varma, Advocate
with Mr.Debajyoti Behuria, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.07.2016

1. Sanctioned 60 days leave from June 30, 1992 to August 28, 1992, the petitioner did not report for duty in spite of call up letters sent. On March 09, 1996 he was served with an order terminating his service and treating the period post leave being over till March 09, 1996 as 'dies non'.
2. The instant writ petition lays a challenge to the order dated March 09, 1996. The delay is 20 years. On the strength of the decision reported as 2007 (11) SCC 517 *Kanailal Bera Vs. UOI & Ors.* wherein the delay was of 15 years, learned counsel for the petitioner states that as in said case, denying back wages, relief can be granted to the petitioner.
3. Learned counsel for the respondent who appears on advance copy states that since petitioner had not rendered pensionable service, the only record available with the department is a two page noting of petitioner having joined service as a Constable with BSF and his service being

terminated on he being declared an absconder. All other record has been destroyed.

4. Under the circumstances we dismiss the writ petition as hit by delay and laches for the reason the department is handicapped in defending its action today due to record being weeded out.

5. We note that as of today the petitioner would 53 years of age and if is inducted in service would serve for only 5 years. The entire period from the date he last served till re-inducted would be treated as dies non. He would not even earn pension.

6. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 15, 2016
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